

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EDDIE L. WILLIAMS,

Plaintiff,

v.

HENRY RICHARDS,

Defendants.

Case No. C05-5169 RBL

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL AND  
EXTENDING DEADLINE TO  
AMEND COMPLAINT

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A), 636(b)(1)(B), and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. The plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 4). In response to the District Court's Order directing plaintiff to file an amended complaint or face dismissal of this action (Dkt. # 17), plaintiff responded with a request for the appointment of counsel. (Dkt. # 18). The court, having reviewed Plaintiff's motion for appointment of counsel does hereby find and ORDER:

(1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to

1 articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d  
2 at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it  
4 appears that this case does not involve exceptional circumstances which warrant appointment of  
5 counsel. Accordingly, plaintiff's motion to appoint counsel (Dkt. # 18) is **DENIED**.

6 (2) Plaintiff shall have until **June 2, 2006**, to file an amended complaint or face  
7 dismissal of this action.

8 (3) The Clerk is directed to send copies of this Order to plaintiff.

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10 DATED this 5th day of May, 2006.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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